

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CONTINENTAL CASUALTY COMPANY,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.: 2:07cv221-WHA
)	
ALABAMA EMERGENCY ROOM)	
ADMINISTRATIVE SERVICES, P. C.,)	
)	
Defendant.)	

DEFENDANT'S MOTION FOR ORDER
REQUIRING SUBMISSION OF EXHIBITS UNDER SEAL

COMES NOW the Defendant, Alabama Emergency Room Administrative Services, P.C., and moves this Court to enter an order requiring submission of exhibits under seal, pursuant to and in accordance with this Court's [Protective] Order of October 11, 2007 (Doc. # 19). In support of this motion, Defendant states as follows:

1. This Court's Order of October 11, 2007 (Doc. # 19) requires Defendant to request this Court enter an Order with regard to the submission of documents designated as "Confidential" should Defendant desire that the documents be sealed or otherwise protected so as to prohibit public disclosure and dissemination of the same.
2. The parties hereto have jointly agreed upon the submission of a number of documents to the Court, pursuant to this Court's Order of October 29, 2007 (Doc. # 21), many of which have previously been designated by Defendant as "Confidential". These documents contain information of a proprietary nature to Defendant, including internal corporate documents, income information, company expenses and costs, employee salaries, etc., as

well as personal and private information contained in non-party employee and independent contractor files.

3. Defendant does not seek to hamper this Court's ability to review these documents, nor to burden the Court or any party hereto, but merely seeks to maintain the confidentiality of the documents introduced, so as to prohibit public access to the same. Specifically, should these documents be filed in the Court file without seal and/or on the Pacer or similar on-line system, the information contained therein would be open to public access, subjecting Defendant and non-parties to substantial harm and disclosure of private information.
4. No party hereto will be prejudiced by the sealing of the documents requested herein.
5. Defendant specifically seeks that the following documents and exhibits be sealed, referred to by the Exhibit number given by Plaintiff in its *Response to the Court's October 29, 2007 Order - Agreed Submission of Exhibits*, filed this date¹: Exhibits 37-123, 152, 167-180, 188-222, 227 and 233. For ease and convenience of the Court and parties, Defendant has no objection to all Exhibits submitted being under seal. Such may also ensure that, due to oversight or inadvertence, no confidential, private or otherwise protected document is disclosed to the public, especially as to non-parties to this action.

Respectfully submitted this the 11th day of July, 2008.

¹ The pleading containing the listed documents and exhibits (*Response to the Court's October 29, 2007 Order - Agreed Submission of Exhibits*) has not been filed as of this time, but will be this date pursuant to the Order of this Court. In an effort to avoid unsealed filing of the documents referenced herein, it is necessary that the instant pleading be filed first.

/s/ Michael J. Cohan

MICHAEL J. COHAN (ASB-6887-A56M)

Attorney for Defendant

Alabama Emergency Room Administrative
Services, P.C.

OF COUNSEL:

HILL, HILL, CARTER, FRANCO, COLE & BLACK, P.C.

425 SOUTH PERRY STREET

P. O. BOX 116

MONTGOMERY, AL 36102

TELEPHONE: (334) 834-7600

FACSIMILE: (334) 263-5969

E-MAIL: MCOHAN@HILLHILLCARTER.COM

CERTIFICATE OF SERVICE

I do hereby certify that a copy of this document has been served upon all counsel of record
by electronic filing this the 11th day of July, 2008.

/s/ Michael J. Cohan
MICHAEL J. COHAN (ASB-6887-A56M)